

State Water Resources Control Board

Division of Drinking Water

January 18, 2019

Michael Salazar
South Kern Mutual Water Company – 1500344
9600 Beam Avenue
Bakersfield, CA 93311

Citation No. 03_12_19C_004

Total Coliform Monitoring Violation and Failure to Have a Certified Operator

For November and December 2018

Dear Mr. Salazar:

Enclosed is Citation No. 03_12_19C_004 (hereinafter "Citation") issued to the South Kern Mutual Water Company (hereinafter "Water System") public water system. **Please note that there are legally enforceable deadlines associated with this Citation beginning on page 4. The Water System must collect a bacteriological sample and report to the Division that the sample has been collected by January 25, 2019. Failure to report to the Division by January 25, 2019 that a sample was properly collected and submitted to a certified laboratory will result in an additional citation and fine. Furthermore, to protect public health, the Division will collect a bacteriological sample from the distribution by January 31, 2019.**

The Water System will be billed at the State Water Resources Control Board's (hereinafter "State Water Board") hourly rate for the time spent on issuing this Citation. California Health and Safety Code (hereinafter "CHSC") Section 116577 provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including preparing, issuing and monitoring compliance with a citation. At this time, the State Water Board has spent approximately one and one-half hours on enforcement activities associated with this violation.

The Water System will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Water System for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the State Water Board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision.

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the State Water Board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact Linda Ramirez of my staff at (559) 447-3392.

Sincerely,



Tricia A. Wathen, P.E.
Senior Sanitary Engineer, Visalia District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

District webpage: http://www.waterboards.ca.gov/drinking_water/programs/districts/visalia_district.shtml

TAW/LR

Enclosures

Certified Mail No. 7016 3010 0000 0446 0853

cc: Kern County Environmental Health Department

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: South Kern Mutual Water Company

Water System No: 1500344

Attention: Michael Salazar

9600 Beam Avenue

Bakersfield, CA 93311

Issued: January 15, 2019

CITATION FOR NONCOMPLIANCE
CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555 AND
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64426.1
AND SECTION 64413.7

TOTAL COLIFORM MONITORING VIOLATION
AND FAILURE TO HAVE A CERTIFIED DISTRIBUTION OPERATOR

November and December 2018

The California Health and Safety Code (hereinafter "CHSC"), Section 116650
authorizes the State Water Resources Control Board (hereinafter "State Water Board"),
to issue a citation to a public water system when the State Water Board determines that
the public water system has violated or is violating the California Safe Drinking Water

Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

The State Water Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division, hereby issues Citation No. 03_12_19C_004 (hereinafter "Citation"), pursuant to Section 116650 of the CHSC to the South Kern Mutual Water Company (hereinafter "Water System"), for violation of CHSC, Section 116555(a)(1) and California Code of Regulations (hereinafter "CCR"), Title 22, Section 64423 and Section 64413.7.

STATEMENT OF FACTS

The Water System is classified as a community public water system with a population of approximately thirty-two (32) persons, served through fifteen (15) service connections. The Water System operates under Domestic Water Supply Permit No. 03-12-15P-021 issued by the State Water Board on August 25, 2015. The Water System is using a groundwater source, Well No. 1, to supply potable water to the distribution system. The Water System is classified as a D1 public water system.

CHSC, Section 116555 requires all public water systems to comply with primary drinking water standards as defined in CHSC, Section 116275(c). Primary drinking water standards include maximum levels of contaminants, specific treatment standards, and monitoring and reporting requirements as specified in regulations adopted by the State Water Board.

CCR, Title 22, Section 64421(a)(2) states that each water supplier shall collect routine, repeat and replacement samples as required in Sections 64423, 64424 and 64425. Section 64423 states that a water supplier shall collect routine bacteriological water

1 samples based on the known population served or the total number of service
2 connections, whichever results in the greater number of samples.

3
4 The Water System is required to collect a minimum of one (1) distribution system
5 bacteriological sample per month. As of the date of this Citation, the State Water Board
6 has received no results for routine bacteriological samples taken during November and
7 December 2018.

8
9 CHSC, Section 116555 requires all community and nontransient noncommunity public
10 water systems to employ or utilize water distribution operators that have been certified
11 by the State Water Board at the appropriate grade for positions in responsible charge of
12 the distribution system.

13
14 CCR, Title 22, Section 64413.7 requires each water supplier to "designate at least one
15 chief operator that meets the requirements specified in section 63770 for each
16 distribution system utilized by the water system".

17
18 The State Water Board was notified on November 15, 2018, by the Water System's
19 contract operator that they would no longer be providing contract operator services to
20 the Water System due to lack of payment for services. The contract operator removed
21 the chlorination equipment as well as this was a part of their contract.

22 23 **DETERMINATION**

24 The Water System did not collect any bacteriological samples during November and
25 December 2018. In accordance with CCR, Title 22, Section 64423, the Water System
26 was required to collect one (1) routine bacteriological sample during November and
27 December of 2018. Therefore, the State Water Board has determined that the Water

System has failed to comply with drinking water standards pursuant to CHSC, Section 116555 and CCR, Title 22, Section 64423 during November and December 2018.

As of the date of this Citation, the Water System has not demonstrated that there is a certified distribution operator to operate the distribution system. Therefore, the State Water Board has determined that the Water System has failed to comply with CHSC, Section 116555 and CCR, Title 22, Section 64413.7.

DIRECTIVES

The Water System is hereby directed to take the following actions:

1. By **February 14, 2019**, notify all persons served by the Water System of the violation of CCR, Title 22, Section 64426.1, in conformance with Sections 64463.4 and 64465. Appendix 1: Public Notification Template must be used to fulfill this directive, unless otherwise approved by the State Water Board. The notification must be completed in accordance with the following:
 - By mail or direct delivery of the Public Notification to each customer served by the water system and;
 - By one of the following secondary methods to reach persons not likely to be reached by mail or direct delivery;
 - By publication in a local newspaper, by delivery to community organizations or by posting in conspicuous public places served by the water system or on the internet. If the water system opts to issue the notice via internet website, the public notice must remain posted for a minimum of seven (7) consecutive days.
2. Complete Appendix 2: Compliance Certification Form. Submit it together with a copy of the public notification to the State Water Board by **February 28, 2019**.

1
2 3. Pursuant to CCR, Title 22, Section 64424(d), collect and have analyzed for total
3 coliform bacteria one (1) routine bacteriological samples on or before **January 25,**
4 **2019. If the Water System fails to collect a sample and report it by January**
5 **25 to the Division, the Division will collect a bacteriological sample from the**
6 **system by January 31, 2019.**

7
8 4. The Water System must include this violation in the 2018 Consumer Confidence
9 Report in accordance with CCR, Title 22, Section 64481.

10
11 5. The Water System must have on staff or under contract a minimum of a D1
12 (distribution Level 1) Certified Operator. Documentation of the certification of the
13 operator must be provided to the State Water Board by **February 18, 2019.**
14

15
16 All submittals required by this Citation, unless otherwise specified in the directives
17 above, must be electronically submitted to the State Water Board at the following
18 address. The subject line for all electronic submittals corresponding to this Citation
19 must include the following information: Water System name and number, citation
20 number and title of the document being submitted.

21
22 Tricia A. Wathen, P.E.
23 Central California Section Chief
24 State Water Resources Control Board
25 Division of Drinking Water
26 265 W. Bullard Ave, Suite 101
27 Fresno, CA 93704

28
29 Dwpdist12@waterboards.ca.gov
30

1 The State Water Board reserves the right to make modifications to this Citation it may
2 deem necessary to protect public health and safety. Such modifications may be issued
3 as amendments to this Citation and shall be effective upon issuance.

4
5 Nothing in this Citation relieves the Water System of its obligation to meet the
6 requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4,
7 commencing with Section 116270), or any regulation, standard, permit or order issued
8 or adopted thereunder.

10 **PARTIES BOUND**

11 This Citation shall apply to and be binding upon the Water System, its owners,
12 shareholders, officers, directors, agents, employees, contractors, successors, and
13 assignees.

15 **SEVERABILITY**

16 The directives of this Citation are severable, and the Water System shall comply with
17 each and every provision thereof notwithstanding the effectiveness of any provision.

19 **FURTHER ENFORCEMENT ACTION**

20 The California SDWA authorizes the State Water Board to: issue a citation or order with
21 assessment of administrative penalties to a public water system for violation or
22 continued violation of the requirements of the California SDWA or any regulation,
23 permit, standard, citation, or order issued or adopted thereunder including, but not
24 limited to, failure to correct a violation identified in a citation or compliance order. The
25 California SDWA also authorizes the State Water Board to take action to suspend or
26 revoke a permit that has been issued to a public water system if the public water system
27 has violated applicable law or regulations or has failed to comply with an order of the
28 State Water Board, and to petition the superior court to take various enforcement

measures against a public water system that has failed to comply with an order of the State Water Board. The State Water Board does not waive any further enforcement action by issuance of this Citation.

Tricia Wathen

Tricia Wathen, P.E.
Central California Section Chief
DRINKING WATER FIELD OPERATIONS BRANCH

January 18, 2019
Date

Appendices:

1. Notification Template
2. Compliance Certification Form



Certified Mail No. 7016 3010 0000 0446 0853

APPENDIX 1. NOTIFICATION TEMPLATE

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este aviso contiene información muy importante sobre su agua potable, por favor lea el aviso en español si va aquí incluido. Si el aviso en español no va incluido aquí, contacte al sistema de agua para pedir una copia

Monitoring Requirements not met for South Kern Mutual Water Company

Our water system failed to monitor as required for drinking water standards during the past year and, therefore, was in violation of the regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During November and December 2018, we did not monitor or test for coliform bacteria and therefore, cannot be sure of the quality of our drinking water during that time.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant(s) we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required Sampling Frequency	Number of Samples Taken	When All Samples Should Have Been Taken	When Samples Were or Will Be Taken
Coliform Bacteria	One (1) sample every month			

What was done?

[Describe corrective action]_____.

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by South Kern Mutual Water Company, 1500344.

Date distributed: _____

APPENDIX 2. COMPLIANCE CERTIFICATION

Citation Number: 03_12_19C_004

Name of Water System: South Kern Mutual Water Company

System Number: 1500344

Certification

I certify that the users of the water supplied by this water system were notified of the bacteriological monitoring violation of California Code of Regulations, Title 22, Section 64426.1 for the compliance period of November and December 2018 and the required actions listed below were completed.

Required Action	Date Completed
(Citation Directive 1) Public Notification Method(s) Used: _____	
(Citation Directive 5) Collect five (5) routine bacteriological samples and have samples analyzed for Total Coliform & E.coli bacteria in the month following the MCL exceedance.	

Signature of Water System Representative

Date

Attach a copy of the public notice distributed to the water system's customers with a copy of the laboratory results from the 5 routine bacteriological samples.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD, DIVISION OF DRINKING WATER, NO LATER THAN February 28, 2019

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.